

### **REMARKS**

The Non-Final Office Action mailed August 6, 2008 and the references cited therein have been carefully considered. Claims 1-28 are now pending in the application, although Claims 20-27 were previously withdrawn from consideration. By this Response, Claims 1, 3-12 and 28 are hereby amended and Claim 2 is hereby cancelled. In particular, Claim 1 has been amended to remove terms objected to in the Office Action. Also, the limitations of cancelled Claim 2, have been incorporated into Claim 1. Additionally, Claims 9 and 12 are made independent by these amendments, incorporating some, but not all, of the limitations of currently amended Claim 1. Further, Claims 3-8, 10, 11 and 28 were amended to maintain consistency in the claim terms and make claims previously dependent on now cancelled Claim 2, depend from Claim 1. Further support for these amendments can be found more generally in the specification and claims as filed. Thus, no new matter has been added by amendments to the claims.

### **Claim Rejections under 35 USC § 112**

In the Office Action, Claims 1-19 and 28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the use of the terms “IMD-film” and “deep-drawable film” in Claim 1 were rejected as being unclear and rendering the claim vague and indefinite. Accordingly, Applicant has hereby deleted such recitations from Claim 1. Also, the remaining terms in Claim 1 were reorganized to conform with U.S. practice and more clearly define the structural limitations of the claim, particularly the transparent structure layer and the reflection layer. The claim language now recites that the multilayer film is deformable to match a curvature of a decorated article, as well as other features that correspond to that curvature. These expressions define structural limitations and not merely an intended use. Additionally, Claim 2-4 were rejected for using the phrases “extinguish” or

Applicants: Heinrich et al.  
Serial No.: 10/524,236  
Filing Date: February 10, 2005  
Docket No.: 1093-125 PCT/US  
Response to Non-Final Office Action Mailed August 6, 2008  
Page 10 of 13

“extinguishing.” Thus, Applicant has hereby amended that recitation from cancelled Claim 2, to read in “is not optically perceptible” in amended Claims 1, 9 and 12. Also, the term has been deleted from Claims 3 and 4. Further, Claim 28 was rejected as indefinite for not setting forth any steps in a method/process. Thus, Claim 28 has been amended to more clearly define such a method/process step. Accordingly, Applicants believe these amendments eliminate the objectionable claim language and therefore request reconsideration and that these rejections be withdrawn.

#### **Claim Rejections under 35 USC § 101**

In the Office Action, Claim 28 was rejected under 35 U.S.C. § 101, as reciting a use without setting forth any steps involved in the process. Accordingly, as mentioned above with regard to the rejection under 35 U.S.C. § 112, second paragraph, Claim 28 has been amended to more clearly define such a method/process step. Accordingly, Applicants hereby request reconsideration and that this rejection be withdrawn.

#### **Claim Rejections under 35 USC § 102**

Claims 1-19 and 28 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over either U.S. Patent No. 5,310,222 to Chatwin et al. (**Chatwin**) or U.S. Patent No. 5,835,271 to Stump et al. (**Stump**). The Office Action contends that both Chatwin and Stump each disclose all the features of the rejected claims. Applicants respectfully traverse these rejections. The present invention as defined in the amended claims is clearly distinguished over both Chatwin and/or Stump.

An aspect of the present invention relates to a multilayer film including spatial structure that produces optically perceptible effects that can be put into three-dimensional configurations, such as the curvature of a base of a decorated article. The multilayer film and the optically perceptible effects are not optically perceptible in a pattern configuration. Such a configuration and structure is thereby adapted and designed for application to the decorated article. It should be noted that the configuration of the film such

that it matches elements of the article are structural limitations. These and other elements distinguish the claimed invention from the cited prior art.

Chatwin discloses a multilayer security article including an optically diffracting layer, which together with a reflective layer forms an image, as well as a non-optically diffracting second image. However, Chatwin fails to teach a multilayer film deformable in production of a decorated article to match a curvature of the base body of the decorated article. In fact, there is no disclosure in Chatwin of the application of the optical device taught therein being applied to a decorative article having a curvature. Additionally, Chatwin fails to teach or reasonably disclose an optically perceptible effect from a spatial structure not being perceptible in a pattern configuration by means of either an intermediate layer between the structure layer and the reflection layer, or by an absence of the reflection layers in regions corresponding to a curvature on the decorated article. Chatwin fails to teach or reasonably disclose either such an intermediate layer or any structural configuration matching that of an additional article. Further, Chatwin does not teach a structure layer having a desired-fracture location that correspond to regions where a curved surface exceeds a limit value, as recited in Claim 9. Chatwin simply does not reasonably disclose bending the optical device. Further still, Chatwin does not teach a reflective layer having a desired-fracture location that correspond to regions where a curved surface exceeds a limit value, as recited in Claim 12. Accordingly, Chatwin fails to teach or reasonably disclose all the limitations of the claims, particularly independent claims 1, 9 and 12. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Chatwin.

Stump discloses an encased multilayered structure that includes reflecting elements and a transparent structure. However, Stump fails to teach a multilayer film deformable in production of a decorated article to match a curvature of the base body of the decorated article. In fact, the structure

taught by Stump is clearly intended for application in a pavement marking system to be applied to a generally flat road. Thus, Stump does not disclose the application of any optical structure to a decorative article having a curvature. Additionally, Stump fails to teach or reasonably disclose an optically perceptible effect from a spatial structure not being perceptible in a pattern configuration by means of either an intermediate layer between the structure layer and the reflection layer, or by an absence of the reflection layers in regions corresponding to a curvature on the decorated article. Stump fails to teach or reasonably disclose either such an intermediate layer or any structural configuration matching that of an additional article. Further, contrary to the assertion in the Office Action, Stump does not teach a structure layer having a desired-fracture location that correspond to regions where a curved surface exceeds a limit value, as recited in Claims 9 or 12. Although the Office Action cites Stump, col. 6, line 65 to col. 7, line 8, for this teaching, the broken or fractured elements disclosed by Stump are merely dispersed or embedded in a thermoplastic prior to extrusion. Stump does not reasonably disclose providing fracture locations in the multi-layer film as recited in the claims, particularly Claims 9 and 12. Accordingly, Stump fails to teach or reasonably disclose all the limitations of the claims, particularly independent claims 1, 9 and 12. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Stump.

Applicants submit that the amended claims, particularly independent claims 1, 9 and 12, are clearly distinguishable from the cited prior art references. Also, claims 3-8, 10, 11, 13-19 and 28, which ultimately depend therefrom are similarly patentable over the art of record by virtue of their dependence. Also, Applicants submit that claims 3-8, 10, 11, 13-19 and 28 define patentable subject matter in their own right. In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and allowance of the claims presented.

Applicants: Heinrich et al.  
Serial No.: 10/524,236  
Filing Date: February 10, 2005  
Docket No.: 1093-125 PCT/US  
Response to Non-Final Office Action Mailed August 6, 2008  
Page 13 of 13

**Conclusion**

In view of the foregoing remarks, reconsideration and allowance are respectfully solicited. If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

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